

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Ronnie Jackson,

Civ. No. 15-4153 (JRT/BRT)

Plaintiff,

v.

**REPORT AND  
RECOMMENDATION**

Tom Roy, sued in his official capacity,

Defendant.

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Plaintiff Ronnie Jackson has filed a civil rights complaint under 42 U.S.C. § 1983 against the Commissioner of the Minnesota Department of Corrections (“DOC”), claiming that his due process rights have been violated by the DOC’s failure to promulgate rules for the restoration of good-time credits lost through disciplinary infractions. (Doc. No. 1, Compl. 4–5.) Jackson did not pay the required filing fee for this case, but instead filed an application seeking leave to proceed *in forma pauperis*. (See Doc. No. 2.) In an order dated December 2, 2015, this Court ordered Jackson to pay an initial partial filing fee of \$4.33, in accordance with 28 U.S.C. § 1915(b). (See Doc. No. 3.) Jackson was given twenty days to do so and advised that if he failed to timely pay his initial partial filing fee, this Court would recommend that this action be dismissed without prejudice for want of prosecution. (*Id.* at 3–5.)

Jackson’s deadline for paying his initial partial filing fee has now passed without payment or any other communication from Jackson concerning this case. In accordance

with its prior order, this Court therefore recommends that this action be dismissed without prejudice for lack of prosecution. *See* Fed. R. Civ. P. 41(b); *Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

### **RECOMMENDATION**

Based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Date: January 5, 2016

s/Becky R. Thorson

Becky R. Thorson

United States Magistrate Judge

### **NOTICE**

This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. Under Local Rule 72.2(b)(1), a party may file and serve specific written objections to this Report and Recommendation by **January 22, 2016**. A party may respond to those objections within **fourteen days** after service thereof. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set for in LR 72.2(c).